

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

BURNETTE AVAKIAN

PLAINTIFF

V.

CIVIL ACTION NO. 1:12-CV-00139-SA-DAS

CITIBANK N.A.

DEFENDANT

ORDER REQUIRING ADDITIONAL BRIEFING

In response to the Court's previously entered Order to Show Cause [63], Defendant Citibank N.A. contends genuine disputes of material fact exist that preclude the Court from granting summary judgment to Plaintiff. Specifically, Defendant argues disputed facts and material issues exist related to the issue of whether or not Plaintiff was entitled to a homestead exemption. Defendant also argues that disputed facts and material issues exist related to the issue of whether her husband claimed the subject property as homestead. Further, in its Supplemental Response to Show Cause Order [70], Defendant argues it is asserting several affirmative defenses "which involve issues of fact."

Given the undisputed facts that Plaintiff and her husband were married at the time of the execution of the deed of trust at issue, that Plaintiff was granted a homestead exemption on the subject property in 2006, and that Plaintiff began operating a business at the subject property in 2006, the parties are hereby instructed to provide briefing on the following issues: (1) whether a determination that a homestead exemption should be disallowed operates to retroactively void prior grants of homestead exemptions; and (2) whether a homestead exemption granted based upon an application filed by only one spouse is void. Additionally, Defendant is instructed to identify with greater specificity all genuine disputes of material fact relevant to its asserted affirmative defenses and not previously placed upon the record.

Accordingly, the parties are hereby ordered to submit additional briefing on these issues. The parties are granted seven (7) days in which to submit their briefs. No responses shall be allowed.

SO ORDERED, this the 10th day of January, 2014.

/s/ Sharion Aycok
UNITED STATES DISTRICT JUDGE